

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TYNEARIA A. VARLACK,

Plaintiff,

-against-

TRANSUNION, LLC; EXPERIAN;
EQUIFAX; DISCOVER BANK,

Defendants.

23-CV-6760 (LTS)

ORDER DIRECTING ORIGINAL
SIGNATURE

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. Plaintiff submitted the amended complaint without a signature. Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed . . . by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a); *see* Local Civil Rule 11.1(a). The Supreme Court has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).

Although a “typed name” does not satisfy the signature requirement in Rule 11(a), the Supreme Court has authorized courts “by local rule [to] permit papers to be filed, signed, or verified by electronic means.” *Id.* Documents filed in accordance with the SDNY Electronic Case Filing (ECF) Rules & Instructions comply with the local rules. *See* Local Civil Rule 5.2. Rule 1.1 and Appendix C of the SDNY ECF Rules & Instructions authorize *pro se* parties to sign documents submitted to the court by email using an electronic signature or a typed name with /s/ in the signature block (for example, “/s/ John Doe”).

Plaintiff is directed to resubmit the signature page of the amended complaint within 30 days of the date of this order. A copy of the signature page is attached to this order. If Plaintiff returns the signature page by mail or in person, it must have an original signature signed by

hand. If Plaintiff submits the signature page by email to Pro_Se_Filing@nysd.uscourts.gov, it must comply with the SDNY ECF Rules & Instructions and can be signed using an electronic signature or typed name with /s/ in the signature block (“/s/ John Doe”). A typed name that does not include “/s/” to show that it is intended to be a signature, or that is not in the signature block, is insufficient.¹

No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk’s Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: February 8, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

¹ For registered ECF filers, “[t]he user log-in and password required to submit documents to the ECF system serve as the Filing User’s signature on all electronic documents filed with the Court.” Rule 8.1 of the SDNY ECF Rules & Instructions. Pro se litigants must request permission to register for ECF filing.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

_____		_____	
Dated		Plaintiff's Signature	

First Name	Middle Initial	Last Name	

Street Address			

County, City		State	Zip Code

Telephone Number		Email Address (if available)	

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.